

REMARKS

The applicants have studied the Final Office Action dated April 9, 2003, and have made amendments to the claims. By virtue of this Amendment, claim 23 has been cancelled without prejudice or disclaimer, and claims 1, 42, and 43 have been amended; thus, claims 1-22 and 24-54 are pending. Enclosed herewith is a Request for Continued Examination under 37 C.F.R. § 1.114 of this application. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and allowance of all of the claims in view of the above amendments and the following remarks are respectfully requested.

Claims 1, 3-10, 12, and 15-54 were rejected under 35 U.S.C. § 102(b) as being anticipated by Peterson et al. This rejection is respectfully traversed.

Embodiments of the present invention are directed to a portable infusion system that is programmable by an individual for delivering fluid from a reservoir into a user. The infusion system includes a drive mechanism that forces the fluid out of the reservoir, a housing sized to be carried by the user and adapted to contain at least a portion of the reservoir and the drive mechanism, an input device coupled to the housing that accepts one or more inputs, a processor contained in the housing that uses the inputs to modify one or more control parameters to control the drive mechanism, and a display coupled to the housing that receives information from the processor and visually displays one or more screens containing the information. One or more of the screens is a select screen that includes at least two menu items, and the input device is used to select one menu item from amongst the at least two menu items. Selection of one of the at least two menu items causes the display to show at least another one of the screens that is a set screen. The set screen includes a plurality of control parameters associated with the selected menu item, and guides the individual through sequential steps for programming the plurality of control parameters associated with the selected menu item. The input device is used to program the plurality of control parameters associated with the selected menu item from the set screen in accordance with the sequential steps provided by the set screen. Thus, the portable infusion system provides a menu structure for easily accessing and modifying control parameters associated with particular functions to control the drive mechanism.

Claim 1, and claims 3-10, 12, 15-41, and 44-54 depending therefrom, recite a portable infusion system that displays “a set screen including a plurality of control parameters associated with the selected menu item, and further wherein the set screen guides the individual through sequential steps for programming the plurality of control parameters associated with the selected menu item, and wherein the input device is used to program the plurality of control parameters associated with the selected menu item from the set screen in accordance with the sequential steps provided by the set screen” (emphasis added). Claims 42 and 43 recite similar language. The Peterson et al. reference fails to disclose, teach, or suggest a portable infusion system including a set screen that guides the user through sequential steps for programming a plurality of control parameters associated with a selected menu item, and an input device that is used to program the plurality of control parameters in accordance with the sequential steps provided by the set screen, as recited in the claims.

The Peterson et al. reference is directed to a system for kidney dialysis. The system includes a hemodialysis machine, a touch screen user interface for programming the hemodialysis machine, and a computer for controlling the hemodialysis machine and touch screen user interface. As noted by the Examiner, the Peterson et al. reference discloses that the user may select a parameter to be programmed by touching a corresponding button, enter a value for the parameter using a pop-up keypad, and then confirm the modified parameter by pressing another button. The Peterson et al. reference also discloses that the user may program a profiled parameter by tracing a desired profile curve on the touch screen, and the computer will then display a series of bars corresponding to the traced curve, which the user may confirm by pressing a button. However, in the Peterson et al. reference, the user is not guided through sequential steps to program a plurality of control parameters. Referring to Fig. 8, although the user interface displays a number of programmable parameters (such as the heparin pump rate, dialysate flow rate, dialysate temperature, and treatment time), the user interface does not guide the user through sequential steps to program a plurality of these parameters. For example, the user interface does not guide the user through the sequential steps of programming the heparin pump rate, followed by the dialysate flow rate or the dialysate temperature. Instead, the user must individually select each parameter, enter a modified value for the parameter, and then

confirm the modified parameter. Claims 1, 42, and 43, as well as the claims depending therefrom, have been amended to further clarify that the plurality of control parameters on the set screen are programmed or modified in accordance with the sequential steps provided by the set screen using the input device. Therefore, the Peterson et al. reference fails to disclose, teach, or suggest a portable infusion system including a set screen that guides a user through sequential steps for programming a plurality of control parameters associated with a selected menu item, and an input device that is used to program the plurality of control parameters in accordance with the sequential steps provided by the set screen, as recited in the claims.

Additionally, claims 1, 3-10, 12, and 15-54 are further distinguished over the Peterson et al. reference by reciting a portable infusion system including a drive mechanism that forces fluid out of a reservoir, “a housing sized to be carried by the user and adapted to contain at least a portion of the reservoir and the drive mechanism,” an input device coupled to the housing, a processor contained in the housing, and a display coupled to the housing (emphasis added). The Peterson et al. reference is directed to a system for kidney dialysis, which includes a hemodialysis machine, a touch screen user interface for programming the hemodialysis machine, and a computer for controlling the hemodialysis machine and user interface. This system is neither capable of being carried, nor even intended to be carried, by a user. Instead, it is intended to be utilized in a hospital for performing kidney dialysis on patients. Therefore, the Peterson et al. reference additionally fails to disclose, teach, or suggest a portable infusion system including a housing sized to be carried by the user, as recited in the claims.

For these reasons, withdrawal of the rejection of claims 1, 3-10, 12, and 15-54 under 35 U.S.C. § 102(b) is respectfully requested.

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. in view of DeLaHuerga. Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. in view of Say et al. Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. in view of Benkowski et al. Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. in view of Havel. These rejections are respectfully traversed.

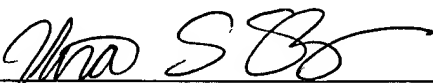
Claims 2, 11, 13, and 14 depend from independent claim 1. It is respectfully submitted that claims 2, 11, 13, and 14 are patentable over the Peterson et al. reference for the same reasons discussed above with respect to claim 1. Further, the DeLaHueraga, Say et al., Benkowski et al., and Havel references do not make up for the deficiencies of the Peterson et al. reference. These cited references fail to disclose, teach, or suggest a portable infusion system including a set screen that guides a user through sequential steps for programming a plurality of control parameters associated with a selected menu item, and an input device that is used to program the plurality of control parameters in accordance with the sequential steps provided by the set screen, as recited in the claims. Accordingly, withdrawal of the rejections of claims 2, 11, 13, and 14 under 35 U.S.C. § 103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that the application and all of the claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If, for any reason, the Examiner finds that the application is other than in condition for allowance and believes that a telephone interview would advance the prosecution of the application, the Examiner is invited to call the undersigned attorney at (818) 576-5291.

Respectfully submitted,

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